

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Taku Shibata

Plaintiff,

v.

The Partnerships and Unincorporated
Associations Identified on Schedule A,

Defendants

Case No. 24-cv-00351

**DEFENDANTS ARTOIDE MODE’S AND HORALDAILY’S MOTION TO
DISMISS UNDER RULE 12(b)(2), 12(b)(4), 12(b)(5) and 12(b)(7)**

Defendants Artoid Mode and Horaldaily (hereinafter “Defendants”) through their attorney, hereby move this Court to Dismiss Plaintiff’s Complaint under Rule 12(b)(2), (4), (5) and (7). Defendants concurrently file their Memorandum of Law in Support of their Motion to Dismiss.

Defendants do not meet the “minimum contact” requirement with the State of Illinois for this Court to assert personal jurisdiction over them. Plaintiff has not provided or shown any evidence to the contrary. Plaintiff has not shown that it has even tried to serve the Defendants under the Hague Service Convention which states in Article 10 that “[p]rovided the State of destination does not object, the present Convention shall not interfere with ... the freedom to send judicial documents, by postal channels, directly to persons abroad.” Hague Convention art. 10(a), November 15, 1965 (emphasis supplied). However, the People’s Republic of China has objected to the methods of service set out in Article 10 of the Hague Convention, i.e. using mails or by extension, emails. Defendants note that with a dismissal, the Plaintiff is not without a

remedy as Defendants agreed, for the purpose of this case, to be subject to personal jurisdiction in the Federal District Court for the District of New Jersey.

Defendants further note that Plaintiff failed to join Amazon as a party under Rule 19 because Amazon kept 60-70% of the sales proceeds of any alleged infringing product sale.

Therefore, the Complaint must be dismissed under Rule 12(b)(2), Rule 12(b)(4), Rule 12(b)(5) and/or Rule 12(b)(7).

/s/lance liu

BY: Lance Liu, Esq.
Attorney for Yingxiang Fu
15 Minuteman Circle
Southbury, CT 06488
Bar No. 3002946
Email: lanceliu2000@gmail.com
Phone: (203)706-9536

Dated: 02/02/2024

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2024, a copy of the foregoing document was sent electronically to all counsels of records.

Adam Grodman, et al.
agrodman@jiangip.com;
cmcintyre@jiangip.com;
cromero@jiangip.com;
mmartin@jiangip.com;
yanling@jiangip.com;
ybu@jiangip.com; and
keith@vogtip.com.

Dated: 02/02/2024

/s/lance liu
BY: Lance Liu, Esq.
Attorney for Yingxiang Fu
15 Minuteman Circle
Southbury, CT 06488
Bar No. 3002946
Email: lanceliu2000@gmail.com
Phone: (203)706-9536